

**Amendments to the claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claims 1-12 (canceled)

Claim 13. (new) A receiving modem that is configured to perform transmission and reception of signals with a transmitting modem, the receiving modem comprising;

a transmitter that is configured to transmit a facsimile control signal;

a detector that is configured to detect a response signal to the facsimile control signal transmitted from the transmitting modem;

a controller that is configured to communicate with the transmitting modem based on the communication procedure specified in ITU Recommendation V.8, when a CM signal is detected as the response signal, and to data communicate with the transmitting modem, when a signal used in data communication is detected as the response signal.

Claim 14. (new) The receiving modem according to claim 13, wherein the facsimile control signal is a DIS signal specified in ITU Recommendation T.30, and the controller executes data communications with the transmitting modem

based on the data communication procedure specified in ITU Recommendation V.22, when a SI signal is detected as the response signal.

Claim 15. (new) The receiving modem according to claim 13, wherein the facsimile control signal is a DIS signal specified in ITU Recommendation T.30, and the controller executes data communication with the transmitting modem based on the data communication procedure specified in ITU Recommendation V.32, when an AA signal is detected as the response signal.

Claim 16. (new) A receiving modem that is configured to perform transmission and reception of signals with a transmitting modem, the receiving modem comprising;

a transmitter that is configured to transmit a data communication signal;  
a detector that is configured to detect a response signal to the data communication signal transmitted from the transmitting modem;  
a controller that is configured to communicate with the transmitting modem based on the communication procedure specified in ITU Recommendation V.8, when a CM signal is detected as the response signal.

Claim 17. (new) The modem according to claim 16, wherein the data communication signal is an AC signal specified in at least one of ITU Recommendation V.22 and V.23.

Claim 18. (new) A communication control apparatus provided with a receiving modem that is configured to perform transmission and reception of signals with a transmitting modem, the receiving modem comprising;

- a transmitter that is configured to transmit a facsimile control signal;
- a detector that is configured to detect a response signal to the facsimile control signal transmitted from said transmitting modem;
- a controller that is configured to communicate with the transmitting modem based on the communication procedure specified in ITU Recommendation V.8, when a CM signal is detected as the response signal, and to data communicate with the transmitting modem, when a signal used in data communication is detected as the response signal.

Claim 19. (new) The communication control apparatus according to claim 18, wherein the facsimile control signal is a DIS signal specified in ITU Recommendation T.30, and the controller executes communications with the transmitting modem based on the data communication procedure specified in ITU Recommendation V.22, when a SI signal is detected as the response signal.

Claim 20. (new) The communication control apparatus according to claim 18, wherein the facsimile control signal is a DIS signal specified in ITU Recommendation T.30, and the controller executes communications with the transmitting modem based on the data communication procedure specified in ITU Recommendation V.32, when an AA signal is detected as the response signal.

Claim 21. (new) A communication control apparatus provided with a receiving modem that is configured to perform transmission and reception of signals with a transmitting modem, the receiving modem comprising;

a transmitter that is configured to transmit a data communication signal;

a detector that is configured to detect a response signal to the data communication signal transmitted from the transmitting modem;

a controller that is configured to communicate with the transmitting modem based on the communication procedure specified in ITU Recommendation V.8, when a CM signal is detected as the response signal.

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Claim 22. (new) The communication control apparatus according to claim 21, wherein the data communication signal is an AC signal specified in at least one of ITU Recommendation V.22 and V.23.

Claim 23. (new) A method for controlling a communication having a receiving modem that is configured to perform a transmission and reception of signals with a transmitting modem, the method comprising;

transmitting a facsimile control signal;

detecting a response signal to the facsimile control signal transmitted from the transmitting modem;

communicating with the transmitting modem based on the communication procedure specified in ITU Recommendation V.8, when a CM signal is detected as

the response signal, and data communicating with the transmitting modem, when a signal used in data communication is detected as the response signal.

Claim 24. (new) The method for controlling a communication having the receiving modem according to claim 23, wherein the facsimile control signal is a DIS signal specified in ITU Recommendation T.30 and the communicating executes communications with the transmitting modem based on the data communication procedure specified in ITU Recommendation V.22, when a SI signal is detected as the response signal.

Claim 25. (new) The method for controlling a communication having the receiving modem according to claim 23, wherein the facsimile control signal is a DIS signal specified in ITU Recommendation T.30 and the communicating executes communications with the transmitting modem based on the data communication procedure specified in ITU Recommendation V.32, when an AA signal is detected as the response signal.

Claim 26. (new) A method for controlling a communication having a receiving modem that is configured to perform transmission and reception of signals with a transmitting modem, the method comprising;

transmitting a data communication signal;

detecting a response signal to the data communication signal transmitted from the transmitting modem;

communicating with the transmitting modem based on the communication procedure specified in ITU Recommendation V.8, when a CM signal is detected as the response signal.

Claim 27. (new) The method for controlling a communication having the receiving modem according to claim 26, wherein the data communication signal is an AC signal specified in at least one of ITU Recommendation V.22 and V.23.